

City of Slidell, Louisiana
Board of Zoning Adjustment
Agenda

June 2, 2022 at 7:00pm

Council Chambers, 2045 2nd St, Slidell, LA

Agenda packet available at myslidell.com/planning/boards/bza

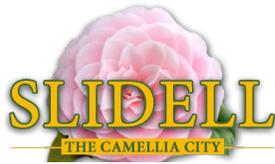
For questions or to provide public comment before the meeting,
email BZA1@cityofslidell.org or call (985) 646-4320 (M-F 8am to 4:30pm)



SCAN ME
for the
BZA website

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Minutes.** Review and approve minutes from March 10, 2022
4. **Public Hearings**
 - a. **V22-13:** A request for a variance from area regulations in the A-6 Single-Family Urban district; for property located at 3254 William Tell St; identified as Lot 13, Sq B of Salmen Addition, by Tracey Perry (pg.4-8)
 - b. **V22-16:** A request for a variance from area regulations in the A-6 Single-Family Urban district for property located approx. 170 ft east of Front St (Hwy 11) on Indiana Ave, identified as Lot 14, Alan Park Subdivision, by Kayla Fayard (pg.9-13)
5. **Other Business**
6. **General and Public Comments**
7. **Adjournment**

The next Board of Zoning Adjustment meeting will be July 7, 2022.



City of Slidell, Louisiana
Board of Zoning Adjustment
Minutes

March 10, 2022 at 7:00 p.m.

Council Chambers, 2045 2nd St, Slidell, LA

1. **Call to Order and Roll Call.** Meeting called to order by Chairperson Jordan at 7:00 p.m.

Commissioners Present

Shane Jordan, Chair
 Christy West, Vice Chair
 Daniel Laurant
 René LeBreton

Commissioners Not Present

Megan Haggerty
 Jim Timmons

Staff Present

Theresa Alexander, Planner
 Angelique Levy, Admin Secretary

2. **Pledge of Allegiance**

3. **Minutes.** Motion by Ms. West to approve minutes of February 3, 2022 as written; Mr. Jordan seconded. A vote of 4 YAYS, 0 NAYS, 0 ABSTAIN approved the minutes.

4. **Public Hearings**

- a. **V22-07:** A request for a variance from area regulations in the A-6 Single-Family Urban district; for property located 2926 Palm Cir; identified as Lot 86, Sq 2 Palm Lake Addition; by Acme House Raising, LLC

Chairperson Jordon opened the public hearing. Tommy Cousin of Acme House Raising, LLC explained that this house is being elevated and the meter is going to be elevated along with it. CLECO requires a minimum 4 ft. landing and access stairs to service its equipment which is located on the right side of garage. Original setback is 5.4 ft. With 4 ft. landing and stairs, remaining setback is 1.4 ft.

Applicant is requesting a variance for the access platform into the right side setback with an encroachment of 4 ft. into the required yard. Applicant is also requesting a variance for the electric access platform encroachment into the required front setback by 4.5 ft. Mr. Cousin stated that he wasn't happy about needing to do this because of the additional cost to the owner but that he had to satisfy CLECO.

Ms. Alexander offered an alternative plan that would involve steps up to a landing and lowering the utility still out of the flood plain. Ms. Alexander explained that petitioner may have to put a railing in. Ms. Alexander addressed the Commission's concerns stating that as long as the Petitioner is following FEMA's requirement on elevation of utilities and the codes for required access as well as CLECO's requirements, this modification to the variance would be fine. Mr. Cousin stated that he would gladly comply to the guidelines.

Mr. Jordon made a motion to deny the original requested variances by Petitioner which was seconded by Ms. West. The motion to deny passed with a vote of 4 YAYS, 0 NAYS, 0 ABSTAIN.

Mr. Jordon made a motion to adopt the Planning Department's modified variance presented by Ms. Alexander which was seconded by Mr. Laurant and passed with a vote of 4 YAYS, 0 NAYS, 0 ABSTAIN.

5. **Other Business.** There was none.
6. **General and Public Comments.** Ms. Alexander introduced Angelique Levy as the new Administrative Secretary for the Planning Dept.
7. **Adjournment.** Meeting adjourned at 7:14 p.m. on motion by Mr. Jordon, second by Mr. Laurant, and a vote of 4 YAYS, 0 NAYS, 0 ABSTAIN.

DRAFT for Approval



Staff Report
Case No. V22-13
 Variance
 for Side Yard Setback at 3254 William Tell St

985.646.4320 | 250 Bouscaren St, Ste 203, Slidell, LA 70458 | planningdept@cityofslidell.org | myslidell.com

Location: 3254 William Tell St (Figure 1)

Owner/Applicant: Tracey Perry

Zoning: A-6 Single-Family Urban

Request: Variance from Sec. 2.904, Yard Area regulations for A-6 District

BZA Meeting: 5/5/2022



Figure 1. Location map

Current Conditions

1. The subject property is developed with a single-family home (Figure 2). It is zoned A-6.
2. This property was awarded a FEMA grant through the City to elevate the house and all ground-level equipment.
3. The house was originally constructed meeting the setback requirements (Figure 3).
4. The house and utilities are being elevated approx. 10 feet, with stairs added in the front with a landing to the right for the electric service, and stairs at the left side and rear for access. The A/C condenser unit is being placed in its existing location (right side) on an elevated platform. An existing attached carport is also being elevated in its existing position. (Figure 4)
5. The A-6 district requires minimum setbacks. The house and new access stairs at the left side and rear meet all setbacks, along with the AC platform on the right side. The new access stairs and landing along the front of the home do not meet the minimum setback requirement. The attached carport does not meet the required side yard setback for the home. (Table 1; Figure 5).



Figure 2. Subject property, street view (top: Mar. 2008; bottom: June 2011)

6. The Director can approve the encroachment of the stairs needed for building elevation within up to 10 feet of front and rear property lines and within 2 feet of side property lines (App. A, Sec. 7.204).
7. The proposed front access stairs and landing is within these allowances (Table 1). The Director approves the stair and landing encroachments required for a building elevation in the front yard.
8. In 2006, a permit was issued for residential addition (Permit No. 06-119233). It is unsure if the carport was added at that time. (Figure 2) The elevated carport, as part of the home, should meet the minimum setback requirement for A-6 of 5 ft; the carport is set back 0.4 ft (92% encroachment) and cannot be approved by the Director (Table 1).
9. Whether the carport was a part of or not a part of the 2006 addition permit, it was constructed not conforming with the setback requirements at that time. The Code of Ordinances state that no “building, structure, or premises containing a nonconforming use” shall be extended or wood altered, unless the alteration is to comply with the Code provisions currently in place.¹

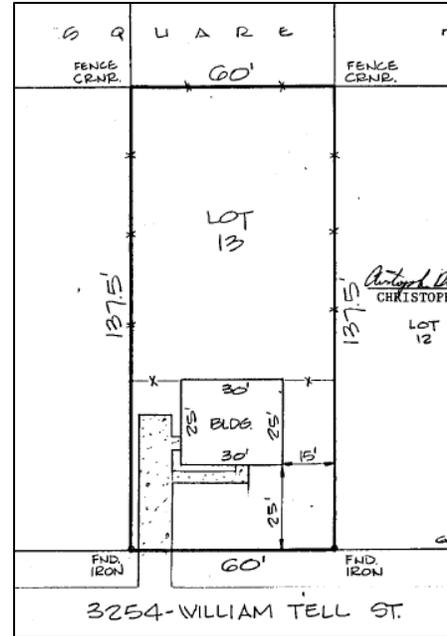


Figure 3. Survey (1992)

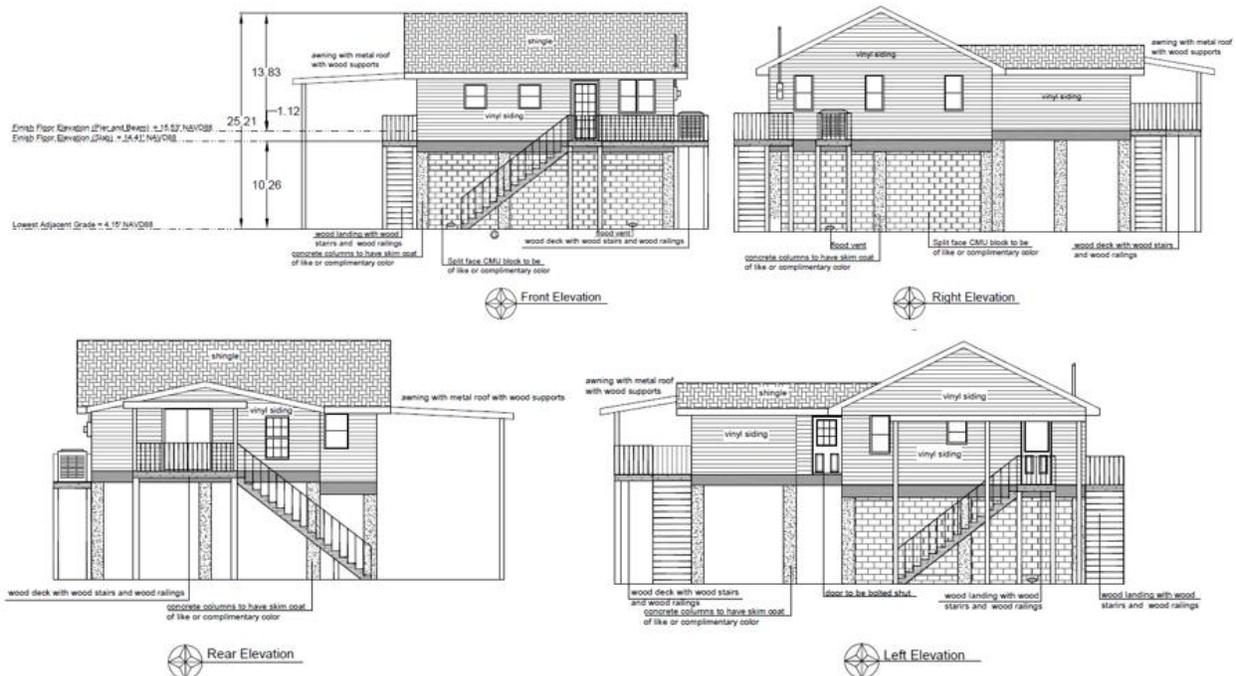


Figure 4. Elevated Views

¹ App. A – Zoning, Part 6, Sec. 6.2 Nonconforming uses.

10. The applicant is requesting a variance for the setback for the attached carport.

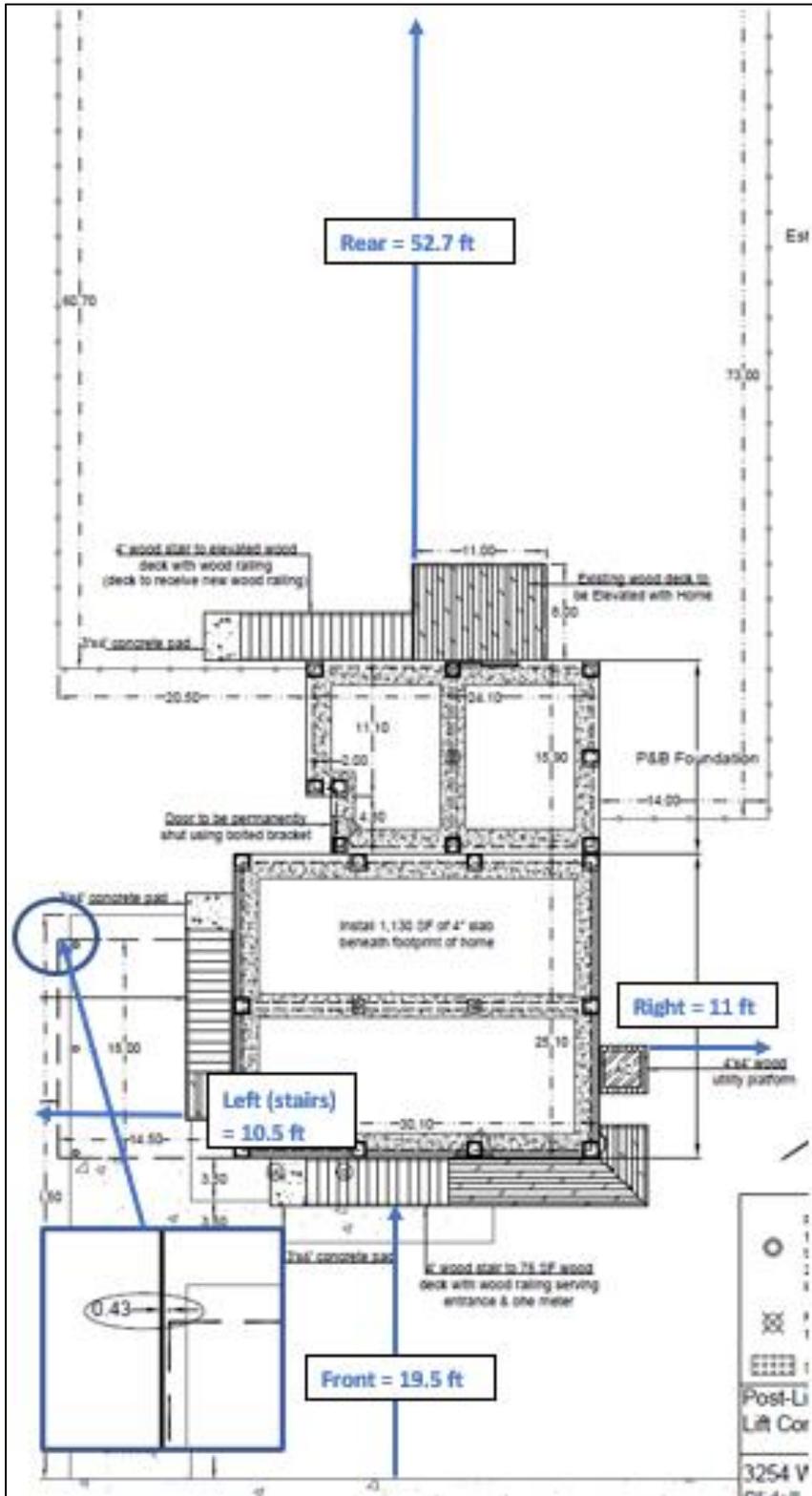


Figure 5. Proposed Site Plan

Table 1. Setbacks – App. A, Sec. 2.904		
Category	Required	Provided
Setback, front	Min 25 ft (house) Min 10 ft (stairs)	26.5 ft (house) 19.5 (stairs)
Setback, rear	Min 25 ft (house) Min 10 ft (stairs)	60.7 ft (house) 52.7 ft (stairs)
Setback, right side	Min 6 ft (house) Min 2 ft (stairs/landing)	15 ft (house) 11 ft (stairs)
Setback, left side	Min 6 ft (house) Min 2 ft (stairs) Min 5 ft (carport)	14.5 ft (house) 10.5 ft (stairs) 0.4 ft (carport)

Descriptive Information Provided by the Applicant:

“A variance is required because the carport is less than a half a foot from the property line.”

Standards for Variances

The Board of Adjustment has the power to “hear and decide upon...appeals for variances where exceptional and peculiar hardship would be caused by enforcement of the regulations in this ordinance and where such variance would not substantially deviate from the intent of this ordinance but not otherwise.” The board is not authorized to grant a variance in the use of land or to take any other action resulting in the change of a district boundary. (App. A-Zoning, Part 7, Sec. 7.2 – Powers of the board)

The Board of Adjustment shall not vary the regulations of the ordinance unless it makes findings based on the evidence presented that each of the following standards are met (App. A, Part 7, Sec. 7.202(B)):

- 1) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were not carried out.

Applicant’s response: A variance is required because the carport is less than a half a foot from the property line.

- 2) The conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

Applicant’s response: Correct. A variance is required because the carport is less than a half a foot from the property line.

- 3) The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.

Applicant’s response: A variance is required because the carport is less than a half a foot from the property line.

- 4) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Applicant's response: No detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

- 5) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the neighborhood.

Applicant's response: It will not create a hazardous situation or substantially diminish or impair property value within the neighborhood.

- 6) The variation will not serve as a precedent which, in effect, will rewrite a provision of this ordinance.

Applicant's response: No precedent set.

It is within the board's authority to impose conditions and restrictions upon the premises subject to this variance request as necessary to comply with the standards established, to reduce or minimize the effect of variations upon other property within the neighborhood, and to better carry out the general intent of the ordinance (App. A, Part 7, Sec. 7.202(C)).



Staff Report
Case No V22-16
 Variance
 for Rear Yard Setback at 174 Indiana Ave

985.646.4320 | 250 Bouscaren St, Ste 203, Slidell, LA 70458 | planningdept@cityofslidell.org | myslidell.com

Location: 174 Indiana Ave, Lot 14, Alan Park Subd (Figure 1)

Owner/Applicant: Kayla Leslie Fayard

Zoning: A-6 Single-Family Urban

Request: Variance from Sec. 2.904, Yard Area regulations for A-6 District

BZA Meeting: 6/2/2022

Current Conditions

1. The subject property is undeveloped wooded land (Figure 2). It is zoned A-6.
2. The property was created as part of Alan Park having a parallelogram shape, contains a 10 ft drainage easement along the left (west) side property line and is bordered along the rear (north) property line by a dedicated detention area. (Figure 3)
3. Applicant proposes to construct the home off-center, closer to the right-side (east) property line to avoid the dedicated 10 ft drainage servitude. (Figure 4)
4. The residence will be constructed with the proposed foundation parallel with the side property lines. (Figure 5)
5. The A-6 district requires minimum setbacks. To meet the minimum front and rear yard setbacks, a variance for the rear yard is required. (Table1)
6. Sec. 10.603 of App. A allows for certain projections into the required yard for specific elements of a structure to include cornices, sills, eaves, belt courses, chimney, unroofed platforms, landings, steps, or balconies. The projection may extend or project into a required yard no more than 2 ft if a minimum 3 ft setback remains.

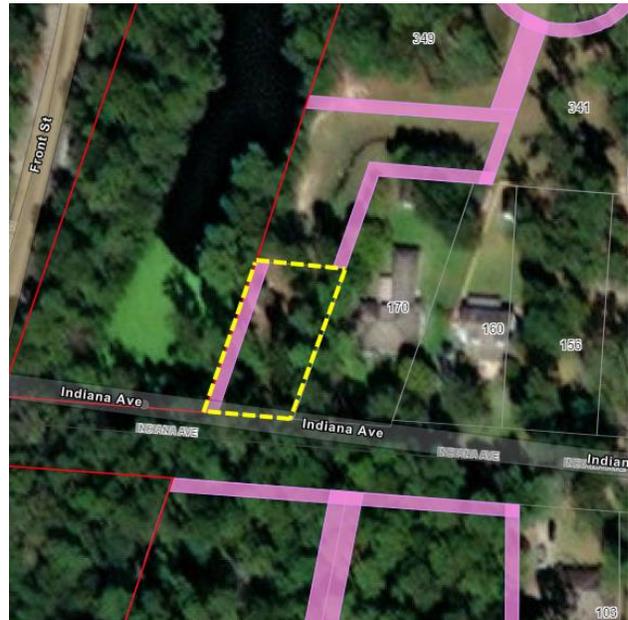


Figure 1. Location map



Figure 2. Subject property, street view (Jan. 2019)

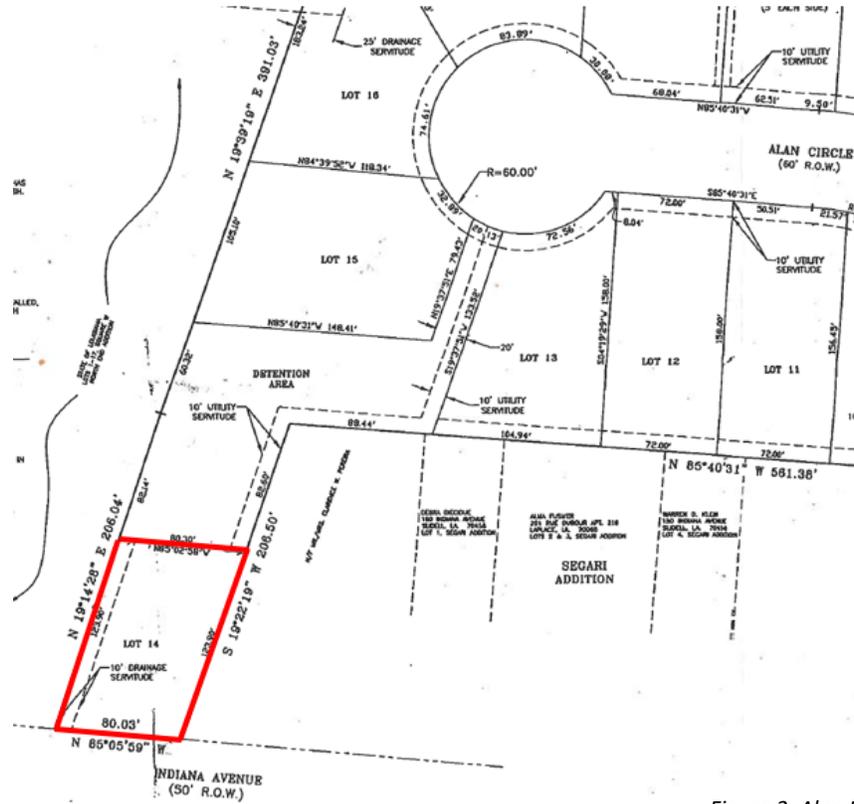


Figure 3. Alan Park Subdivision Map

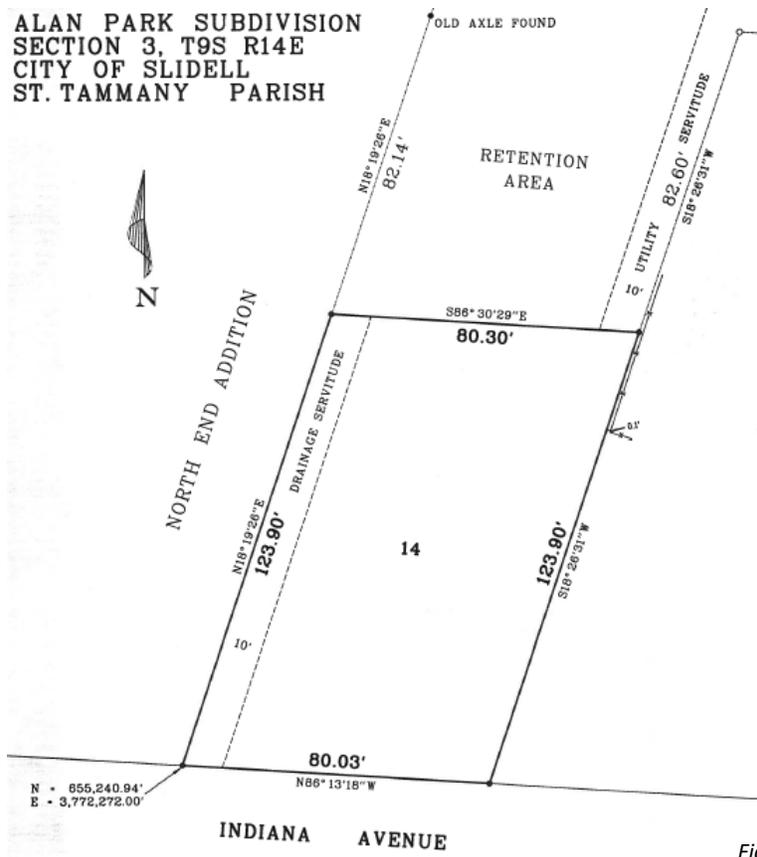


Figure 4. Survey (Dec. 2021)

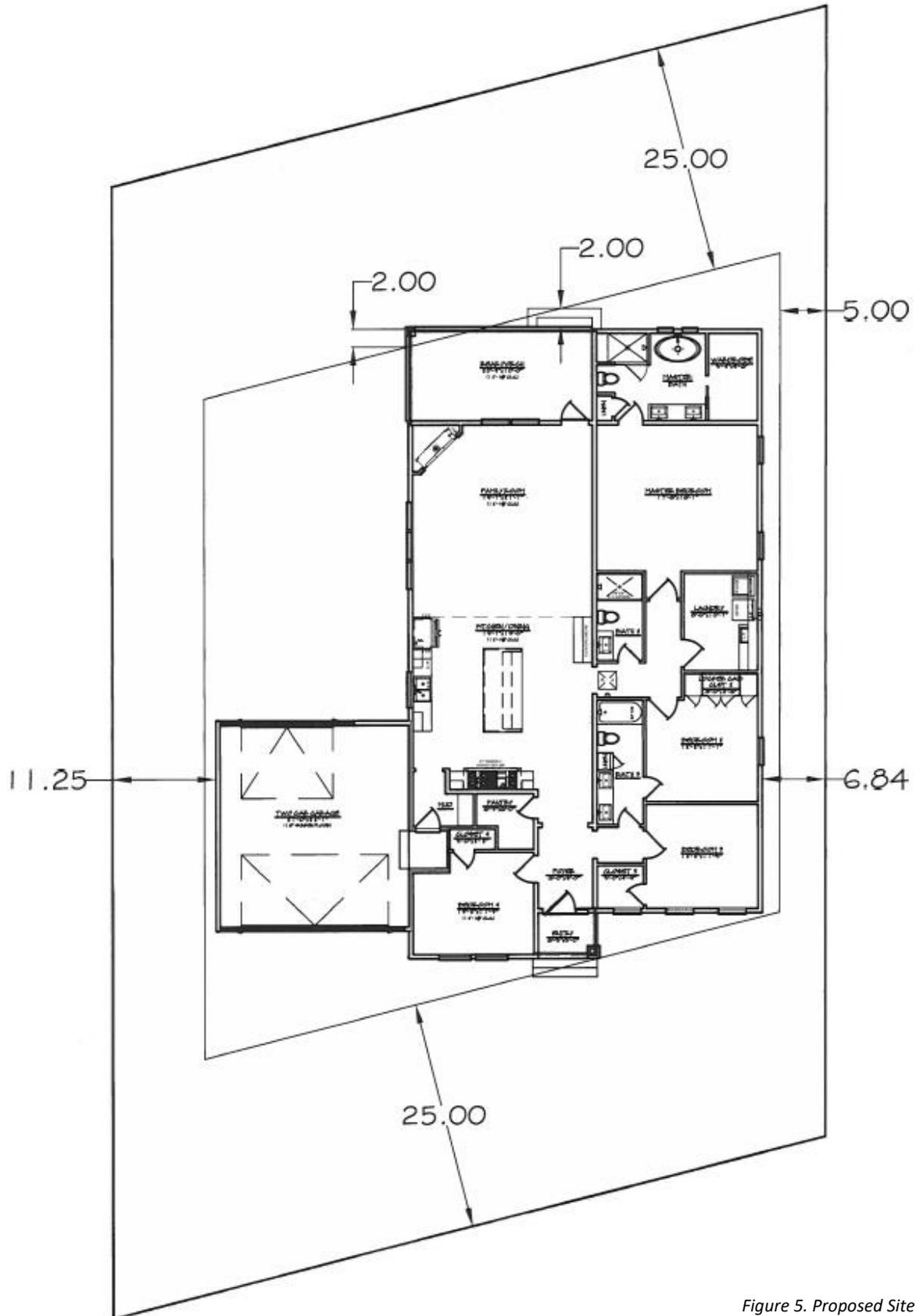


Figure 5. Proposed Site Plan

7. The proposed site plan applies Sec. 10.603 to the required front and rear steps. The Owner has tried to avoid encroachment into the rear yard setback with its design, but still shows an encroachment of 2 ft.
8. The construction will meet all setback requirements other than the rear yard (Table 1). The applicant is requesting a variance for a rear yard setback of 23 ft, an encroachment of 2 ft (8%).

Table 1. Setbacks – App. A, Sec. 2.904		
Category	Required	Proposed
Setback, front	Min 25 ft (house)	25 ft (house) 23 ft (stairs)*
Setback, rear	Min 25 ft (house)	23 ft (house) 24 ft (stairs)*
Setback, right side**	Min. 8 ft	6.84 ft
Setback, left side**	Min 8 ft	11.25 ft
* Sec. 10.603 is applied		
**Minimum side setbacks equal 16 ft, with minimum 5 ft on any one side.		

Descriptive Information Provided by the Applicant:

“This request is for an additional 6 ft (*changed to 2 ft*) of rear yard setback to square the house off. The lot is a parallelogram, and the variance will only affect the north and west sides of the property, which both are dedicated drainage properties owned by the City of Slidell and will never be built on.”

Standards for Variances

The Board of Adjustment has the power to “hear and decide upon...appeals for variances where exceptional and peculiar hardship would be caused by enforcement of the regulations in this ordinance and where such variance would not substantially deviate from the intent of this ordinance but not otherwise.” The board is not authorized to grant a variance in the use of land or to take any other action resulting in the change of a district boundary. (App. A-Zoning, Part 7, Sec. 7.2 – Powers of the board)

The Board of Adjustment shall not vary the regulations of the ordinance unless it makes findings based on the evidence presented that each of the following standards are met (App. A, Part 7, Sec. 7.202(B)):

- 1) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were not carried out.

Applicant’s response: The lot is a parallelogram, with a drainage easement on the west side, making a house difficult to situate on the lot.

- 2) The conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

Applicant's response: The shape of the lot makes this variance request unique to this lot because it is the smallest lot in the subdivision along with the drainage easements that are on both the north and west sides of the lot.

- 3) The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.

Applicant's response: The lot in question was designed this way when Allen(sic) Park Subdivision was created.

- 4) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Applicant's response: This is the smallest lot in the Allen(sic) Park Subdivision and the only odd shaped that limits the location of a house to such a small area.

- 5) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the neighborhood.

Applicant's response: The variance is for an additional 6 feet (*changed to 2 ft*) of rear yard (north) to square the house off. There is no lot to the north of the property or to the west. The rear property is owned by the City of Slidell and is designated as a drainage retention area. The property to the left, or west side, is a retention pond, also owned by the City of Slidell. The east side has enough room for the house with the requested variance not affecting this side. The variance will not affect the view of the house on the east side because that side is not affected by this request. There will be no construction on the north or west side.

- 6) The variation will not serve as a precedent which, in effect, will rewrite a provision of this ordinance.

Applicant's response: Because this is a unique shaped lot, with adjoining drainage retention and pond, and the smallest lot in the Allen(sic) Park Subdivision, it will not set a precedent or interfere with any ordinances

It is within the board's authority to impose conditions and restrictions upon the premises subject to this variance request as necessary to comply with the standards established, to reduce or minimize the effect of variations upon other property within the neighborhood, and to better carry out the general intent of the ordinance (App. A, Part 7, Sec. 7.202(C)).

CORRECTION: Retention Pond to the west of subject property is owned and maintained by St. Tammany Parish, not City of Slidell.